

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELIZABETH VAN OSS, et al.,

Plaintiffs,

-against-

Docket No. 10 CIV 7524 (SAS)

NEW YORK STATE, et. al.

Notice of Motion to Certify the Class
and/or to Schedule a Hearing for a
Preliminary Injunction

Defendants.

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MOTION BY:

LAW OFFICES OF THOMAS HOFFMAN, P.C.
Attorneys for Plaintiff

DATE, TIME & PLACE:

United States District Court
Southern District of New York
500 Pearl Street,
New York, NY 10007

SUPPORTING DOCUMENTS:

Declaration of Thomas Hoffman dated October 1,
2010, Declaration of Elizabeth Van Oss dated
September 22, 2010, Declaration of Jimmie Pugh
dated September 20, 2010, Declaration of Joan Lucien
and Chashem Lucien dated September 17, 2010,
Declaration of Patricia Lockett dated September 24,
2010 and Memorandum of Law.

RELIEF REQUESTED: An Order pursuant to FRCP 23(c):

1. Certifying this case as a class action, the class consisting of "all persons who are or will be the subjects of "indicated" reports with the State Central Register and who have timely requested, or will timely request, a "422" or "424-a" amendment or expungement of the Report and who have not had, or will not have, their Reports administratively reviewed to determine whether the Report is reasonably related to employment or licensure in the child care field"
- and/or;

2. Issuing a Preliminary injunction:

- A. directing that for all current and future 424-a subjects whose reports are founded the defendants review their reports to determine whether they are reasonably related to child care employment or licensure; and/or
- B. directing defendants to conduct RR reviews using the OCFS guidelines for current and future class members who timely request their report to be amended or expunged; and/or
- C. directing defendants to conduct the administrative review by a preponderance of the evidence for all current and future 424-a clearance requests and to make sure the report is reasonably related to employment or licensure as a day care provider; and/or
- D. enjoining the defendants from disclosing reports that have not had an RR review; and/or
3. For such other and further relief as the court deems proper, including the award of reasonable legal fees and costs of litigation.

Yours,

Dated: New York, NY
October 1, 2010

Law Offices of Thomas Hoffman, P.C.

By: 

Thomas Hoffman - TH-2797

250 W. 57 St., Suite 1020

New York, NY 10107

Tel. No. 212 581 1180

Attorney for Plaintiff

To:
Robert L. Kraft, Esq.
Andrew M. Cuomo, Esq.
Attorney General State of New York
State of New York
120 Broadway, NY, N.Y. 10271-0332
Attorney for Defendants

UNITED STATES DISTRICT COURT
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Certification of Mailing

NEW YORK STATE, et al.,

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ARLEEN HERNANDEZ, hereby certifies that on October 1, 2010 I caused a true and correct copy of the foregoing Notice of Motion to Certify the Class and/or to Schedule a Hearing for a Preliminary Injunction with Memorandum of Law to be served by first class mail on the following individual:

Robert L. Kraft, Esq.
Andrew M. Cuomo, Esq.
Attorney General State of New York
State of New York
120 Broadway
New York, N.Y. 10271-0332


ARLEEN HERNANDEZ
Legal Assistant

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